

FACT SHEET

The Privacy Act of 1974 (5 U.S.C. 552a), as implemented by DoD Directive 5400.11 and DoD 5400.11-R, prescribes a framework for the collection, maintenance, use, and dissemination of information on U.S. citizens and permanent resident aliens. In general, the statutory and regulatory authority limits the collection of personal data to information that is "relevant and necessary" to accomplish an agency purpose that is mandated by statute or executive order and prohibits the dissemination of such information except with the consent of the individual about whom the information pertains or as otherwise may be authorized by one of the enumerated exceptions to the Act.

The Act, as implemented by the DoD, also requires that agencies establish adequate safeguards to ensure the security and confidentiality of the information and that rules of conduct be established for persons involved with such information.

The DoD rules of conduct, as set forth at DoDD 5400.11, Enclosure 3, are as follows:

"DoD Personnel shall:

1. Take such actions, as considered appropriate, to ensure that personal information contained in systems of records, to which they have access to or are using incident to the conduct of official business, shall be protected so that the security and confidentiality of the information is preserved.
2. Not disclose any personal information contained in any system of records, except as authorized by DoD 5400.11-R or other applicable law or regulation. Personnel willfully making such a disclosure when knowing that disclosure is prohibited are subject to possible criminal penalties [\$5,000 fine] and/or administrative sanctions.
3. Report any unauthorized disclosure of personal information from a system of records or the maintenance of any system of records that are not authorized by DoDD 5400.11 to the applicable Privacy point of contact for his or her DoD Component.

DoD system managers for each system of records shall ensure that all personnel who either have access to the system of records or who shall develop or supervise procedures for handling records in the system of records shall be aware of their responsibilities for protecting personal information being collected and maintained under the DoD Privacy Program."

DoD personnel, as well as DoD contractors and their employees, are stewards of the information. In this fiduciary capacity, all personnel, whether military, civilian or contractor, have an affirmative responsibility to ensure that the information is collected, maintained, used, and disseminated only as authorized by law and regulation and that the information is continually safeguarded. In essence, personnel should treat and protect the information in the same manner as they would treat and protect information about themselves.